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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Friday - 19 December 1975

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2. (Unclassified - DFM) LEGISLATION Called Harold Lerner, on the Subcommittee on Manpower and Civil Service staff, House Committee on Post Office and Civil Service, and in his absence talked to Pat Pankonin, also of the Subcommittee staff. I inquired about the status of the legislation which would establish mandatory Federal unions. Pat Pankonin said the Subcommittee has reported a clean bill which exempted CIA and other intelligence agencies in line with Representative David Henderson's (D., N. Car.), Chairman of the Committee, bill H. R. 4800. She expected full Committee action in February. Although no Committee prints are available, the Committee does have a synopsis of the clean bill and I arranged to pick one up next week.

3. (Unclassified - SK) Per request of yesterday, sent a copy of the Agency publication entitled "Potential Implications of Trends in the World Population, Food Production, and Climate" to Alex Bean, on the staff of the House Select Committee on Intelligence, per his request.

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requirements of this Act. His status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal-clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that William Jackson and Emily Thuber of my staff may have privileges of the floor during consideration of the Angola matter.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—

Mr. CRANSTON. In open session only.

Mr. ROBERT C. BYRD. I have no objection.

Mr. McCLELLAN. Reserving the right to object, what is the request?

The PRESIDING OFFICER. The request of the Senator from California is that two of his staff members be allowed the privileges of the floor during consideration of the Angola matter while the Senate is in open session.

Mr. McCLELLAN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION REQUEST— S. 622

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request, I think, with interested Senators and those who are principals in the debate. I ask unanimous consent that at such time as the Senate resumes consideration of the motion to concur in the House amendments to the Senate amendments to the House amendments to S. 622, there be a time limitation of 2 hours thereon, to be equally divided between Mr. FANNIN and Mr. JACKSON; that the debate begin at 4 p.m. today; and that upon the expiration of the time, a vote occur upon the motion.

THE PRESIDING OFFICER (Mr. ROTH). Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I withdraw the request for the time being.

Mr. TUNNEY. Reserving the right to object.

Mr. ROBERT C. BYRD. I have withdrawn the request.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1976— CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate Nos. 49, 53, 75, 83, 98, and 101 to H.R. 9861 in the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. TUNNEY. Mr. President, I object to en bloc consideration of all the amendments. I have no objection to consideration of five of the amendments en bloc, but I want amendment No. 75 to be considered separately.

Mr. McCLELLAN. Mr. President, I modify my motion.

I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 49, 53, 83, 98, and 101.

The motion was agreed to.

AMENDMENT NO. 1303

Mr. McCLELLAN. Mr. President, I again move that the Senate concur in the House amendment to the Senate amendment No. 75. That will be the pending motion.

Mr. TUNNEY. Mr. President, I move to amend the House amendment to Senate amendment numbered 75 as follows: Strike "\$205,600,000," and insert in lieu thereof: "\$172,600,000, none of which, nor any other funds appropriated in this Act may be used for any activities involving Angola other than intelligence gathering, which funds are".

This language is contained in amendment No. 1303 which is at the desk.

Mr. McCLELLAN. Mr. President, will the Senator yield? What is the objection to the money? Why cannot the Senator just move that no funds be used for this purpose?

The PRESIDING OFFICER. Will the Senator from Arkansas yield? The question is on agreeing to the motion to concur in the House amendment to Senate amendment numbered 75 with an amendment, which the clerk will report.

The legislative clerk read as follows:

That the House recedes and concurs with an amendment to Senate amendment numbered 75, with an amendment.

Mr. CLARK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT REQUEST—S. 622

Mr. ROBERT C. BYRD. Mr. President, I renew my request with respect to the energy bill.

The PRESIDING OFFICER. Is there objection?

Mr. TUNNEY. Reserving the right to

object, I do not know how much time Senators are going to want to take on this amendment and the debate thereon, but it would seem to me that if we could just continue the debate until we get a vote and then bring up the other conference report, it might make for a little bit more orderly procedure because there are a number of Senators who have indicated they wanted to participate in the debate, they wanted to listen to it and, do you not think, it would be better just to continue the debate until we reached a conclusion and then have a vote up or down and then move to the next business?

Mr. ROBERT C. BYRD. No, not under the present circumstances. The adoption of this unanimous-consent request would not have any impact upon the debate on this amendment in disagreement except that at 4 o'clock today the Senate, if it had not disposed of that amendment by 4 o'clock, would go to the House message on the energy bill, would stay thereon for 2 hours, vote on the motion pertaining to S. 622, and then go back to the pending motion before the Senate.

I think in the long run—with the Senate hoping to complete its business by the close of business on Friday, and many Senators having reservations on airlines and being forced to get out of here tomorrow at some point—it would be better if we could get this request agreed to and dispose of the energy bill, at a set time. Then the Senate would go back, if it had not previously disposed of it, to the pending question now before the Senate.

Mr. TUNNEY. I would like to propound, Mr. President, the following question to my distinguished leader: What about a vote on the pending amendment at 4 o'clock and, following the disposition of that amendment, we could then move on to the energy conference report?

Mr. ROBERT C. BYRD. That would be fine.

Let me get a time limitation on S. 622 first.

Mr. McCLELLAN. Which conference report are we asking about?

Mr. ROBERT C. BYRD. It is not a conference report. It is the motion to concur in the House amendment to the Senate amendment to the House amendments to the bill S. 622.

Mr. TOWER. I hope we could get this coupled with a time to take up.

Mr. TUNNEY. I am prepared to offer a unanimous-consent request that we have a vote on the Tunney amendment at 4 o'clock and, following the disposition of that amendment, we then move on to the energy conference report for 2 hours with a vote to be taken thereon at 6:15.

Mr. TOWER. Very well.

Mr. MORGAN. Mr. President, reserving the right to object, I think the amendment offered by the Senator from California is a very important amendment and will have far-reaching effects. I do not believe we should place any time limitation on it and, for that reason, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President,

in view of the fact that it has been made to the request of the Senator from California, I would like to renew my request that the Senate at 4 o'clock today proceed to the consideration of the motion on the energy bill with a 2-hour limitation thereon to be between Mr. FANNIN and Mr. JACKSON; then, upon the disposition of that bill, with a vote to occur immediately upon the expiration of that time, the Senate resume consideration of the amendment in disagreement on the defense appropriation act.

Mr. TUNNEY. I want to be cooperative, but the Senator from North Carolina has made the point that this pending amendment is very important, and that is the reason he has objected to a time limitation being placed on the amendment.

I would be perfectly prepared to have a 2½-hour or 3-hour time limit placed on it, but I think because it is important we ought to be discussing it in a fashion in which there is a degree of continuity developed in the debate rather than having 2 hours on the amendment and then shifting off for 2 hours onto the energy conference report and then coming back to it late in the afternoon or early in the evening and perhaps, not winding the thing up until 11 o'clock at night.

I think it is only fair if this amendment is so important that we dispose of it this afternoon when we have Senators present. We all know in the evening many Senators—not many, some Senators—feel they have to leave the body and meet other commitments. I think we ought to dispose of this amendment right now, and if the Senators want to be over here and participate in the debate I think we can dispose of the amendment in 2 hours.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed at this time to the consideration of the motion on the energy bill, with a 2-hour limitation thereon, to be equally divided between Mr. FANNIN and Mr. JACKSON; that upon the expiration of that time, or earlier, if the time is yielded back, the Senate vote on the adoption of the motion, and upon the disposition of that vote the Senate then resume consideration of the pending amendment in disagreement to the defense appropriation conference report.

Mr. TUNNEY. Reserving the right to object, I would like to ask my distinguished leader if he anticipates any other business being inserted on the Senate floor prior to the disposition of this amendment when it comes up after the energy report is disposed of.

Mr. ROBERT C. BYRD. As far as the leadership is concerned, that would only be done by unanimous consent, and the Senator from California could prevent its being done simply by objecting.

Mr. TUNNEY. With that understanding I do not object to the immediate consideration of the energy report, but I think that once we start off with the amendment that we continue on it until it is disposed of.

Mr. McCLELLAN. Mr. President, reserving the right to object, what is the request? I could not hear the Senator.

Mr. ROBERT C. BYRD. The request is that the Senate proceed at this time to

energy bill with a time limitation thereon of 2 hours; upon the expiration of that time—or upon its being yielded back before the expiration of 2 hours—the Senate vote on the motion on the energy bill and then resume consideration of the defense appropriations conference report, the amendment in disagreement.

Mr. McCLELLAN. Mr. President, I have no objection to the first part of the request. As to the second part, with respect to the time limitation, I found this morning that we had no control of time limitations and I, for the moment, have to object as to the time limitation on debate.

Mr. ROBERT C. BYRD. There is no time limitation on debate.

Mr. McCLELLAN. The Senator said 2 hours.

Mr. ROBERT C. BYRD. On the energy conference report, not on the Senator's bill.

Mr. McCLELLAN. As long as there is no time limitation on the pending amendment to the conference report I have no objection. But I had a bad experience this morning.

Mr. TOWER. Reserving the right to object, and I shall not object, actually this is consideration of S. 622 rather than a conference report.

Mr. ROBERT C. BYRD. Yes, the able Senator is right—it is the motion to concur in the House amendment to the Senate amendment to the House amendments to S. 622. I am so accustomed to referring to conference reports at this stage, the inadvertence comes natural. I thank the Senator for calling the correction to my attention.

Mr. GOLDWATER. Reserving the right to object, Mr. President, and I will not object, there is no time limitation on debate on the Tunney amendment.

Mr. ROBERT C. BYRD. I beg the Senator's pardon?

Mr. GOLDWATER. No time limitation on debate on the Tunney amendment.

Mr. ROBERT C. BYRD. No.

Mr. GOLDWATER. It could be debated at great length?

Mr. ROBERT C. BYRD. There is no time limitation.

Mr. GOLDWATER. And it probably will be.

The PRESIDING OFFICER. Is there objection?

Mr. WEICKER. Reserving the right to object, I wonder if I might suggest the absence of a quorum so that I might discuss a matter with the acting majority leader.

The PRESIDING OFFICER (Mr. HATFIELD). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that on an ensuing quorum, the time consumed be charged to neither side, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Reserving the right to object—

Mr. McCLELLAN. Will the Senator state his request? I do not know what has been going on here and I want to know, before I agree to something, what it is.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. I do not intend to object, but may I ask a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Would an amendment in the nature of a substitute to the Tunney amendment be in order?

The PRESIDING OFFICER. It would be.

Mr. GRIFFIN. Before the unanimous-consent request is agreed to, I send to the desk a substitute for the Tunney amendment and ask that it be stated.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 1, line 1 of amendment Number 1303, strike the language after "\$205,600,000," and insert: in lieu thereof "none of which, nor any other funds appropriated in this Act may be obligated or expended to finance the involvement of United States military or civilian forces in hostilities in or over from off the shores of Angola, which funds are".

Mr. JAVITS. Mr. President, reserving the right to object, I make a further parliamentary inquiry.

The PRESIDING OFFICER. The amendment is not drafted as a substitute. It could be offered as a perfecting amendment.

Mr. GRIFFIN. Is it in order as a perfecting amendment?

The PRESIDING OFFICER. It is in order as a perfecting amendment.

Mr. GRIFFIN. Then I offer it as such.

Mr. MANSFIELD. Would the Senator allow us to get the consent agreements reached?

Mr. JAVITS. I would like to ask a question.

On the energy, of course, I yield for that purpose.

The PRESIDING OFFICER. The Senator from Montana.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President—

Mr. TOWER. May we have order, Mr. President, so everybody will understand fully what this is all about?

The PRESIDING OFFICER. The Senator's point is well taken.

Will the Senate please be in order? The Chair would request all Senators to clear the well and go to their desks.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. Presi-

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dent, at the request of the distinguished Senator from Arkansas (Mr. McCLELLAN) I renew the request.

I ask unanimous consent that the Senate now go to the consideration of the House message on S. 622, that there be a time limitation thereon of not to exceed 2 hours to be equally divided between Mr. FANNIN and Mr. JACKSON, that upon the expiration of that time or upon its being yielded back, the Senate vote immediately on the adoption of the motion to concur in the House message on S. 622, that upon the disposition of that motion, the Senate then resume consideration of the pending matter.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. For the moment, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The question is on the amendment of the Senator from Michigan.

Mr. JAVITS. Mr. President, I thought I had the floor for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. JAVITS. With reference to the perfecting amendment just submitted by Senator GRIFFIN—

The PRESIDING OFFICER. The Senator will suspend.

Will there be order in the Senate, please? Attaches and others will please take their seats.

The Senator from New York.

Mr. JAVITS. Is a substitute in order notwithstanding the existence of a perfecting amendment unacted on?

The PRESIDING OFFICER. A perfecting amendment unacted upon would preclude the offering of a substitute amendment.

Mr. JAVITS. But a perfecting amendment on a substitute may be offered upon the disposition of the perfecting amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. And the perfecting amendment is not subject to further amendment?

The PRESIDING OFFICER. The Senator is correct, it is in the second degree.

Mr. JAVITS. I thank the Chair.

Mr. TUNNEY. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. TUNNEY. In reading the language of this amendment—

Mr. MANSFIELD. Will the Senator yield briefly?

Mr. TUNNEY. Yes, I yield to the Senator.

Mr. ROBERT C. BYRD. Mr. President, I renew my request. Let me state it again.

I ask unanimous consent that the Senate at this time—and I do not want to cut off any Senator who is about to offer—

Mr. TUNNEY. It was a point of order I was going to raise.

Mr. ROBERT C. BYRD. Very well.

I ask unanimous consent that the Senate at this time proceed to the consideration of the motion to concur in the House amendment to the Senate amend-

ment to the House amendment to the Senate bill S. 622; that there be a time limitation thereon of 2 hours to be equally divided between Mr. FANNIN and Mr. JACKSON; that upon the expiration of that time or upon its being yielded back a vote occur on the motion; and that upon the disposition of that matter the Senate then resume consideration of the pending matter.

The PRESIDING OFFICER. Is there objection?

Mr. RANDOLPH addressed the Chair.

Mr. McCLELLAN. Reserving the right to object—and I do not want to object and I will not if I can have this understanding with the leadership—that at any time after 6 o'clock tonight—I do not mind staying until then if this matter has not been disposed of, and I am not going to agree to a limitation of time—if this matter has not been disposed of, a motion will be in order to recess until tomorrow. I do not propose to stay here all night on account of 2 hours out for something on this pending business.

Mr. ROBERT C. BYRD. Yes; the Senator has that understanding.

Mr. McCLELLAN. Do I have that understanding?

Mr. ROBERT C. BYRD. Yes.

Mr. CLARK. I object to that.

Mr. ROBERT C. BYRD. Now, wait—

Mr. YOUNG. I object.

Mr. MANSFIELD. No.

Mr. YOUNG. I want to find out if there will be one of these foolish closed sessions or not.

Mr. GRIFFIN. The Senator from North Dakota objected.

The PRESIDING OFFICER. Objection is heard.

Mr. YOUNG. I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

The Senator from West Virginia.

Mr. RANDOLPH. I am going to reserve the right to object.

Mr. ROBERT C. BYRD. Senators do not know what they are objecting to. There has been no request that there be a 6 o'clock recess.

The Senator from Arkansas merely wanted it understood that a motion to recess would be in order at 6 o'clock. This rulebook permits that. We do not need unanimous consent for that. That motion to recess is in order right now or at any time a Senator wants to make it today.

Mr. McCLELLAN. I want it understood that I could make it. I do not intend to stay here all night.

Mr. ROBERT C. BYRD. I hope Senators will not object on that flimsy basis.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

ENERGY POLICY AND CONSERVATION ACT

The PRESIDING OFFICER. The Chair lays before the Senate the message from the House which the clerk will state.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate to the amendments of the House to the bill (S. 622) entitled "An Act to provide

standby authority to assure that the essential energy needs of the United States are met," and so forth, and concur therein with an amendment.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time consumed be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1975—CONFERENCE REPORT

Mr. TUNNEY. I had a parliamentary inquiry, Mr. President. I wanted to ask the Chair whether or not the amendment that was offered by the Senator from Michigan (Mr. GRIFFIN) constituted legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair will take the inquiry.

Mr. GRIFFIN. I might ask, Mr. President, whether the same objection will then apply to Mr. Tunney's amendment.

The PRESIDING OFFICER. Neither the amendment by the distinguished Senator from California (Mr. TUNNEY) nor the perfecting amendment of the distinguished Senator from Michigan (Mr. GRIFFIN) constitute legislation on an appropriation bill—they are both limitations.

The Senator from Ohio.

ENERGY POLICY AND CONSERVATION ACT

Mr. GLENN. Mr. President, I yield myself such time as I may need for an opening statement.

The PRESIDING OFFICER. Will the Senator suspend?

Mr. HANSEN. I ask unanimous consent that Nolan McKean of my staff be granted the privilege of the floor during debate on the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend until the Senate is in order.

Will the Senators please take their conferences and discussion to the cloakroom?

The Senator from Ohio may proceed.

Mr. GLENN. Mr. President, I am the designee of Mr. JACKSON. He will be here shortly. I would like to make an opening statement.

Mr. President, although it has taken most of 1975 to get to this point with regard to energy legislation, I believe the act that we have before us to lay represents a good compromise position, and in the very best sense of the word "compromise."

Although the act involves many policy areas, pricing has obviously received the most attention. Congress started the year with some very hard-line concepts re-